

APR 06 2006

**Wall Marjama**
An Intellectual Property Practice

**101 South Salina Street, Suite 400
Syracuse, New York 13202
Telephone: 315-425-9000
Facsimile: 315-425-9114**

April 6, 2006

To: Allen J. Flanigan
Primary Examiner
Art Unit 3753

Fax No: 571-273-8300

From: Joseph B. Milstein, Ph.D.

Subject: U.S. Patent Application Serial No. 10/729,309
A PLATE-TYPE HEAT EXCHANGER
Our File No. 964_009 CON2

You should receive 6 page(s) including this cover sheet. If you do not receive all pages, please call (315) 425-9000.

COMMENTS:

Per our discussion on today's date, attached please find the following documents in connection with the above-captioned matter:

- ✓ Information Disclosure Statement and accompanying documentation (Form PTO/SB/08A-2 pgs) filed December 5, 2003;
- ✓ Utility Patent Application Transmittal (PTO/SB/05) filed December 5, 2003; and
- ✓ Copy of return receipt Postcard filed with initial patent application filing of December 5, 2003, indicating safe receipt of the above and the assigned Patent Application Serial Number.

Please consider and return to us initialed copies of the Form PTO/SB/08A

Thank you.

IMPORTANT - THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT READING, DISSEMINATING, DISTRIBUTING OR COPYING THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND DESTROY THE COMMUNICATION. THANK YOU.

WALL MARJAMA & BILINSKI LLP

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PATENT
Attorney Docket No.: 965-009 CON 2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gregory M. Dobbs
and James D. Freihaut

New U.S. Patent Application

Filed: December 5, 2003

For: A Plate-Type Heat Exchanger

Examiner: Not yet assigned

Art Unit: Not yet assigned

INFORMATION DISCLOSURE
STATEMENT UNDER
37 CFR §§ 1.97 and 1.98RECEIVED
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Mail Stop Patent Application
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Sir:

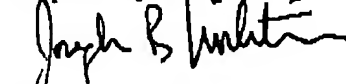
The references cited on attached the forms PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the cited references are enclosed.

It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all of the possible relevant information.

Applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 50-0289. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

Joseph B. Milstein, Ph.D.
Registration No. 42,897

WALL MARJAMA & BILINSKI LLP

Customer No. 20874
Telephone: (315) 425-9000
Facsimile: (315) 425-9114

PTO/SB/08A (08-03)

Approved for use through 07/31/2006, OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet **1** of **2****Complete if Known**

Application Number	Not yet assigned
Filing Date	12/5/03
First Named Inventor	Gregory M. Dobbs
Art Unit	Not yet assigned
Examiner Name	Not yet assigned
Attorney Docket Number	965-009 CON2

U.S. PATENT DOCUMENTS

Examiner	Cite No.	Document Number Number Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA	US-2,917,292	12-15-1958	Gabriel A. Hitzrich, et al.	
	AB	US-3,259,592	07-05-1968	Daniel W. Fox, et al.	
	AC	US-3,350,844	11-07-1967	Walter L. Robb	
	AD	US-3,498,372	03-03-1970	Thomas Diery Patten, et al.	
	AE	US-3,735,559	05-29-1973	Robert M. Salemme	
	AF	US-4,051,898	10-04-1977	Masataka Yoshino, et al.	
	AG	US-4,409,339	10-11-1983	Kazuo Matsuda, et al.	
	AH	US-4,449,992	05-22-1984	Takeyoshi Yamada, et al.	
	AI	US-4,789,386	12-06-1988	Walter L. Vaughn, et al.	
	AJ	US-4,909,810	03-20-1990	Makoto Nakeo, et al.	
	AK	US-5,273,889	12-28-1993	Sadakatsu Hamasaki	
	AL	US-5,527,590	08-16-1998	Johathan Priluck	
	AM	US-5,679,467	10-21-1997	Johathan Priluck	
	AN	US-5,765,117	07-28-1999	Peter Karl Grinbergs	
	AO	US-5,930,261	11-03-1999	Sadakatsu Hamasaki, et al.	
	AP	US-6,962,150	10-05-1999	Jonathan Priluck	
	AQ	US-			
	AR	US-			
	AS	US-			
	AT	US-			
	AU	US-			
	AV	US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials ⁷	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁸
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)				
	AW	EP	0 661 502	A2	11-09-1993	Sadakatsu Hamasaki, et al.		<input type="checkbox"/>
	AX	EP	0 661 502	A3	03-20-1996	Sadakatsu Hamasaki, et al.		<input type="checkbox"/>
	AY							<input type="checkbox"/>
	AZ							<input type="checkbox"/>

Examiner
SignatureDate
Considered

¹ EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ² Applicant's unique citation designation number (optional). ³ See Kind Codes of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ⁴ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁵ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁶ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁷ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/08A (08-03)

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Substitute for form 1449B/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	Not yet assigned
		Filing Date	December 5, 2003
		First Named Inventor	Gregory M. Dobbs
		Art Unit	Not yet assigned
		Examiner Name	Not yet assigned
		Attorney Docket Number	985-009 CON 2
Sheet	2	of	2

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	BA	DESIGN NEWS STAFF, New Membranes Boost PEM Performance, Design News Online Magazine: Product Design and Development, http://www.manufacturing.net/dn/index.asp?layout=articleWebzine&articleid=CA118013& , download date: May 13, 2003 (2 pgs.)	
	BB		
	BC		
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	BH		
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	BK		

Examiner Signature		Date Considered	
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* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kind Codes of U.S. Patent Documents at www.uspto.gov or MPEP 801.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 18 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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UTILITY PATENT APPLICATION TRANSMITTAL		Attorney Docket No. 985-009 CONZ	
		First Inventor Gregory M. Cobbs	
		Title A Plate-Type Heat Exchanger	
(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))		Express Mail Label No. EL985171064US	

APPLICATION ELEMENTS See MPEP chapter 600 concerning design patent application contents.	ADDRESS TO Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original and a duplicate for fee processing) 2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. 3. <input checked="" type="checkbox"/> Specification (Total Pages 24) (preferred arrangement set forth below) - Descriptive title of the invention - Cross References to Related Applications - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the invention - Brief Summary of the invention - Brief Description of the Drawings (if filed) - Detailed Description - Claim(s) - Abstract of the Disclosure 4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 119) [Total Sheets 10] 5. Oath or Declaration [Total Pages 1] a. <input type="checkbox"/> Newly executed (original or copy) b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63 (d)) (for a continuation/divisional with Box 18 completed) c. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). 6. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix) 8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary) a. <input type="checkbox"/> Computer Readable Form (CRF) b. Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> paper number of pages c. <input type="checkbox"/> Statements verifying identity of above copies ACCOMPANYING APPLICATIONS PARTS 9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) 10. <input type="checkbox"/> 37 C.F.R. §3.73(b) Statement of Power of Attorney (when there is an assignee) 11. <input type="checkbox"/> English Translation Document (if applicable) 12. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS) PTO-1449 <input checked="" type="checkbox"/> Copies of IDS Citations 13. <input checked="" type="checkbox"/> Preliminary Amendment 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized) 15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed) 16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent 17. <input checked="" type="checkbox"/> Other: One check in the amount of \$770.00; one copy of an executed Associate Power of Attorney filed in prior application (1 pg.); Ten sheets of Formal drawings; Form PTO/SB/08A (1 pg.); Form PTO/SB/08B (1 pg.); copies of 19 cited references (AA-AP, AW-AX, and BA).

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

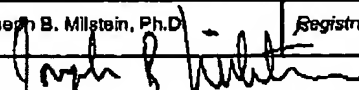
☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: 10/160,370 filed May 31, 2002

Prior application information: Examiner FLANIGAN, ALLEN J. Group Art Unit: 3743

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number. 20874 (Insert Customer No. or Attach bar code label here)		or <input type="checkbox"/> Correspondence address below	
Name			
Address			
City	State	Zip Code	
Country	Telephone	Fax	

Name (Print/Type)	Joseph B. Millstein, Ph.D.	Registration No. (Attorney/Agent)	42,897
Signature			Date December 5, 2003

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In the United States Patent and Trademark Office

The US PTO's mailroom stamp will acknowledge receipt of: New U.S. Continuation Patent Application: One check in the amount of \$770.00, filing fee; Form PTO/SB/05 Utility Patent Application Transmittal (1 pg.); Form PTO/SB/17 Fee Transmittal for FY 2003 (1 pg +1 pg. copy), 3 pages of Application Data Sheet Form; Preliminary Amendment (7 pgs.); one copy of an executed Combined Declaration and Power of Attorney filed in prior application (1 pg.); one copy of an executed Associate Power of Attorney filed in prior application (1 pg.); Copy of prior application (34 pgs.); 17 pages of Written Description; 6 pages of Claims (16 claims), 1 page of Abstract, ten sheets of informal drawings (Figure Nos. 1-24), ten sheets of Formal drawings (Figure Nos. 1-24); Information Disclosure Statement (1 pg.); PTO/SB/08A (1 pg.); Form PTO/SB/08B (1 pg.); copies of 19 cited references (AA-AP, AW,AX, and BA);

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Atty. Docket No. 965-009 CON2
Filing Date: December 5, 2003
For: A Plate-Type Heat Exchanger
Mailing Date: December 5, 2003

Inventor(s): Gregory M. Dobbs
and James D. Freihaut
Atty: JBM/jrc

17302 U.S. PTO
10/729309

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